



Public Notice

Applicant:
Sally M. Yeager

Date:
Published: December 29, 2004
Expires: January 27, 2005

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-TD-R RE: 87-475-18(1) Section: OH 10 and 404

**Application for Permit under Authority of
Section 10 of the Rivers and Harbors Act of 1899 and
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Ms. Sally Yeager, 4805 Springbrook Drive, Toledo, Ohio, 43615, has requested a Department of the Army application to construct a U-shaped steel frame crib pier in Lake Erie, at 1002 Lake Shore Drive, Kelleys Island, Erie County, Ohio. She is also seeking authorization to maintain a steel sheet pile wall on the lakeward side of an original timber crib pier and the stone backfill area shoreward of this piling. The steel piling and backfill were installed without Department of the Army authorization.

Under action (0) of this file number, Ms. Yeager applied to Department of the Army authorization to construct two armor stone groins, two steel crib piers, and the sheet pile retaining wall. A public notice was published on March 4, 1999, and a provisional Individual Permit was issued on May 25, 1999, but neither Water Quality Certification nor Coastal Zone Consistency were ever secured for this request. The file was withdrawn from consideration on September 13, 2000.

The project consists of the following:

- a) The construction of an approximately 14-foot wide three-sided, steel crib pier situated perpendicular to the existing crib pier. The segment connecting to the shore is approximately 136 feet long and has two 15-foot long open spans near the shoreline. The second section runs perpendicular to the first section, is approximately 103 feet long and has a trapezoidal deck attached lakeward of the east end. The third side runs back toward the existing pier and is approximately 76 feet long. See Sheet 4 of 5.
- b) The filling of pier sections with 0.5-1.0 ton stone and capped with a reinforced concrete slab with a top elevation of 577.0 feet International Great Lakes Datum (IGLD), 1985. Approximately 1375 cubic yards of stone and steel will be placed below ordinary high water (O.H.W.), 573.4 feet IGLD, 1985.
- c) The maintenance of approximately 120 linear feet of steel sheet piling on the lakeward side of an existing timber crib pier. The new piling is connected to the existing structure on the ends and was backfilled with stone, with approximately 50 cubic yards placed below

O.H.W. See Sheet 2 of 5.

The applicant's stated purpose is to allow safe mooring of watercraft, provide safe access to Lake Erie, and maintain protection to upland property.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Elizabeth W. Stone, who can be contacted by calling (716) 879-4363, or by e-mail at: elizabeth.w.stone@usace.army.mil

The applicant has certified that the proposed activity complies with Ohio's approved Coastal Zone Management Program and will be conducted in a manner consistent with that program. Any comments on the consistency of the proposed activity with Ohio's Coastal Zone Management Program should be forwarded to:

Ms. Mindy Bankey
Ohio Department of Natural Resources
Consistency Coordinator
Office of Legislative Services
1930 Belcher Drive, Bldg D-3
Columbus, Ohio 43224-1387
Telephone (614) 265-6836
FAX (614) 261-9601
e-mail: mindy.bankey@dnr.state.oh.us

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the Ohio Environmental Protection Agency.

Based on preliminary findings, there do not appear to be any properties listed in, or eligible for listing in, the National Register of Historic Places within the permit area as shown on Sheet 1 of 5. This notice constitutes initiation of consultation with the Ohio Historic Preservation Office (SHPO) per Section 106 of the National Historic Preservation Act. All currently available historic resource information pertaining to this proposed project if any has been provided to the SHPO. Additional information concerning historic properties should be submitted to the Corps before the end of the comment period of this notice. The Corps will forward that information to the SHPO for their review.

~

This project lies within the designated significant habitat for the Lake Erie water snake (*Nerodia sipedon insularum*), a federally listed threatened species. However, available evidence indicates that the proposed work will not affect the Lake Erie water snake or any other species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, and should be marked to the attention of Elizabeth W. Stone, or by e-mail at: elizabeth.w.stone@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

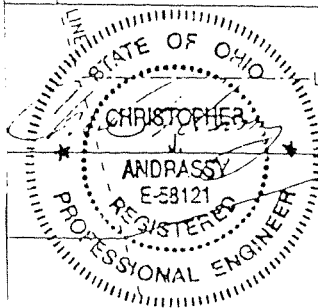
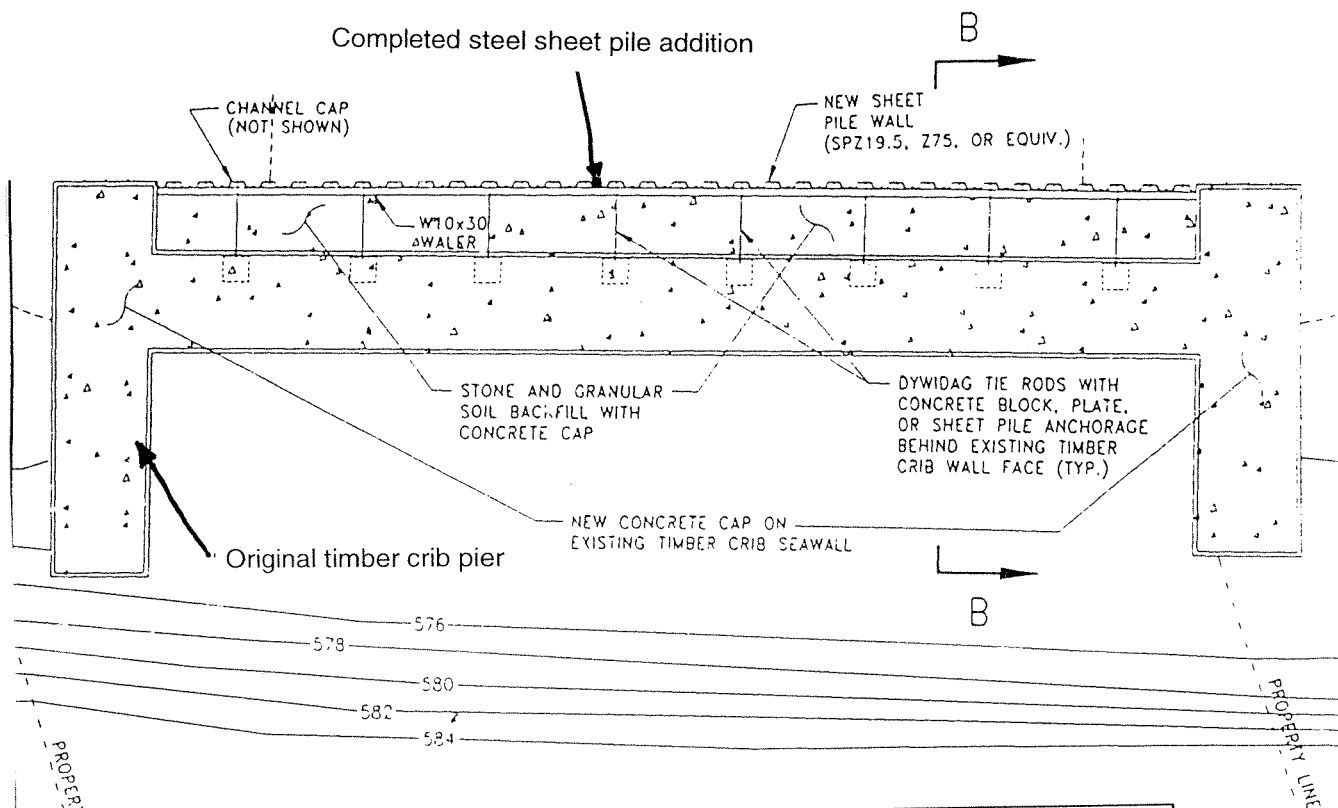
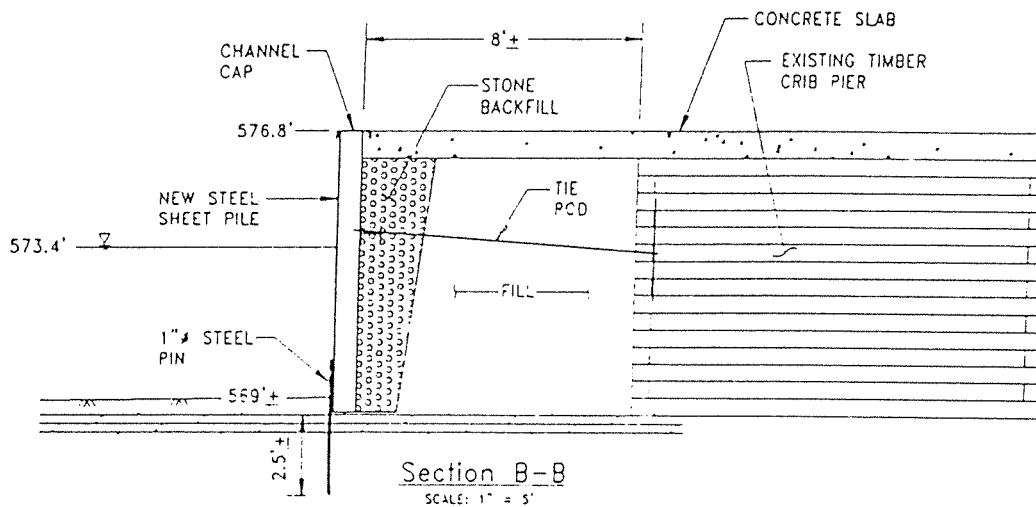
The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SIGNED

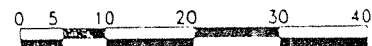
Thomas C. Switala
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



YEAGER, SALLY
 D/A Processing No. 87-475-18(1)
 Erie County, Ohio Quad: KELLEYS ISLAND
 Sheet 2 of 5 TIMBER PIER/PILING

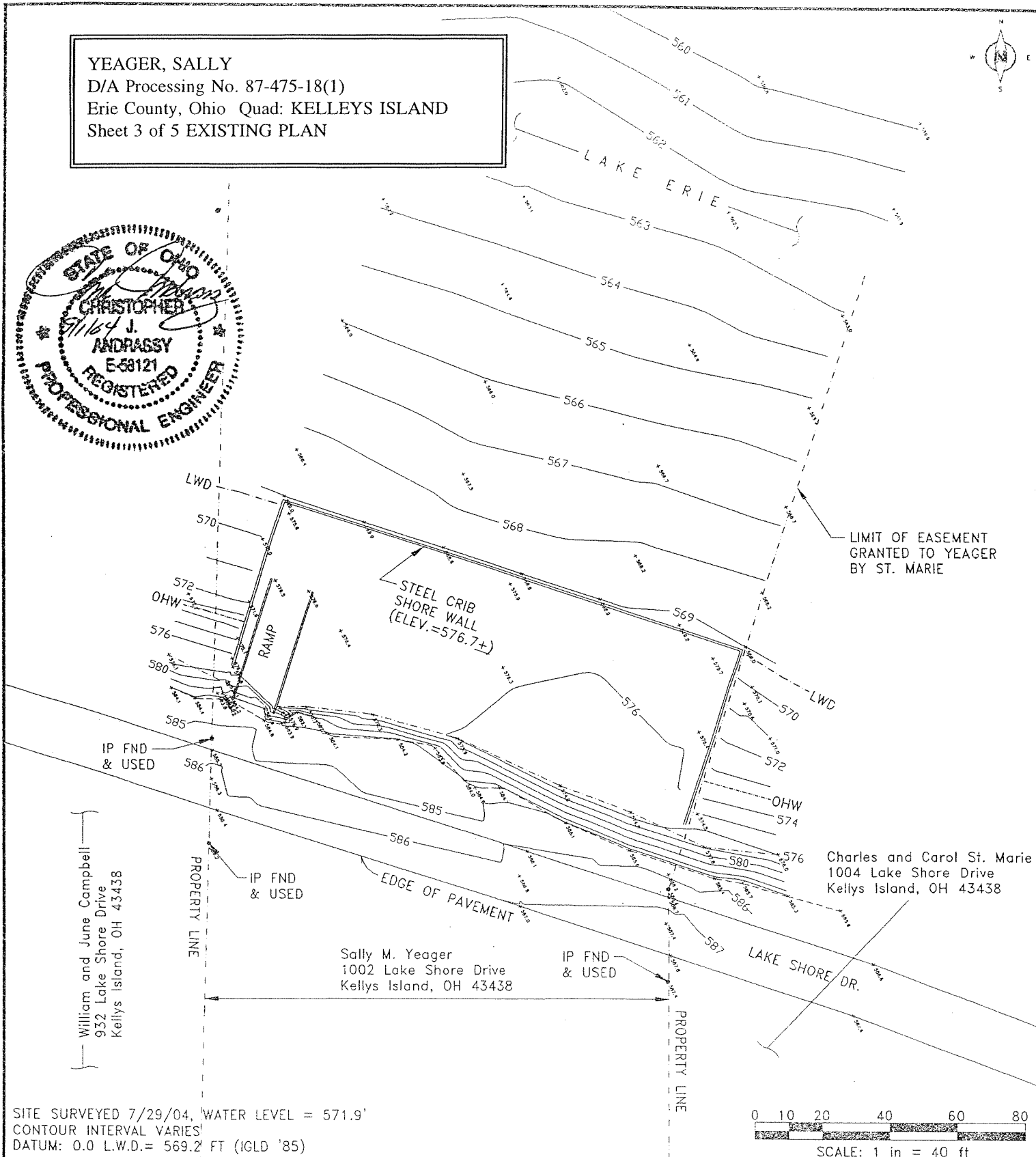
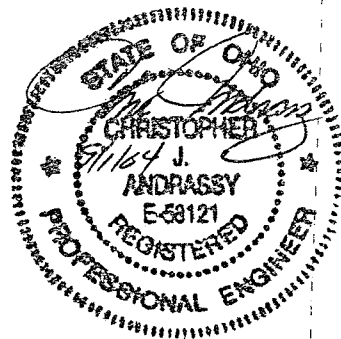
Note: Contractor to drill 2'-3' deep holes into shale at lakeward face of sheet pile wall, spaced at 5', for insertion of steel pins to prevent toe movement.



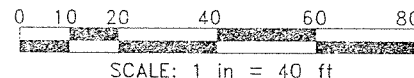
SCALE: 1 in = 20 ft

DATUM: 0.0 L.W.D. = 569.2 FT (IGLD '85)

YEAGER, SALLY
D/A Processing No. 87-475-18(1)
Erie County, Ohio Quad: KELLEYS ISLAND
Sheet 3 of 5 EXISTING PLAN



SITE SURVEYED 7/29/04, WATER LEVEL = 571.9'
CONTOUR INTERVAL VARIES
DATUM: 0.0 L.W.D. = 569.2 FT (IGLD '85)



PREPARED BY:
Andrassy Engineering, Ltd.

EXISTING SITE PLAN

APPLICANT:

ADJACENT PROPERTY OWNERS:

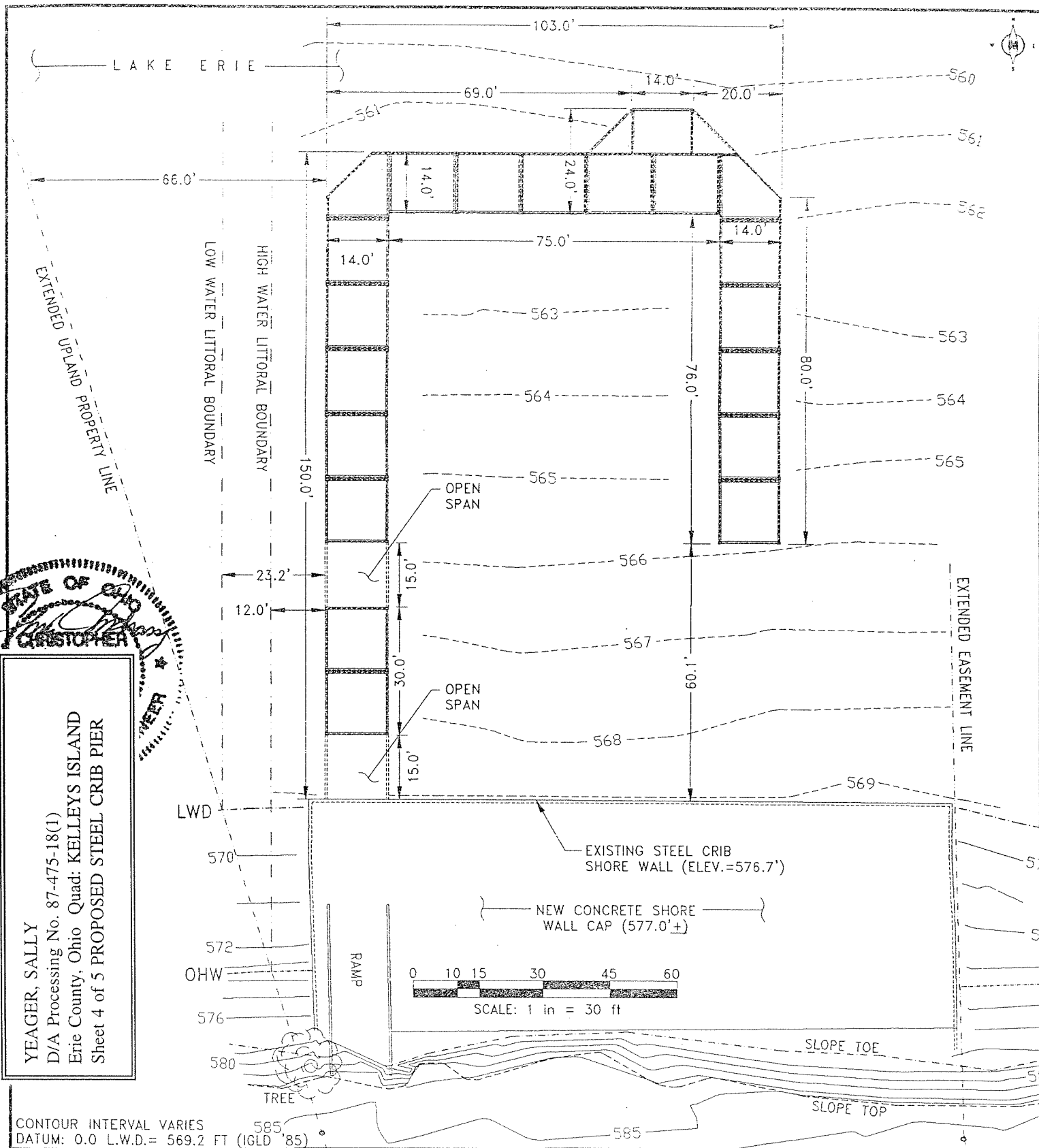
Charles and Carol St. Marie
1004 Lake Shore Drive, Kellys Island, OH 43438
William and June Campbell
932 Lake Shore Drive, Kellys Island, OH 43438

STEEL CRIB PIER
KELLYS ISLAND, OHIO

SALLY M. YEAGER
4805 SPRINGBROOK DRIVE
TOLEDO, OH 43615

SHEET

8/31/04



YEAGER, SALLY

D/A Processing No. 87-475-18(1)

Erie County, Ohio Quad: KELLEYS ISLAND

Sheet 4 of 5 PROPOSED STEEL CRIB PIER

CONTOUR INTERVAL VARIES

DATUM: 0.0 L.W.D. = 569.2 FT (IGLD '85)

PREPARED BY:

Andrassy Engineering, Ltd.

PROPOSED SITE PLAN

APPLICANT:

SALLY M. YEAGER
4805 SPRINGBROOK DRIVE
TOLEDO, OH 43615

ADJACENT PROPERTY OWNERS:

Charles and Carol St. Marie
1004 Lake Shore Drive, Kellys Island, OH 43438
William and June Campbell
932 Lake Shore Drive, Kellys Island, OH 43438

STEEL CRIB PIER
KELLYS ISLAND, OHIO

SHEET

8/31/04

